

STATE OF MINNESOTA)
)
COUNTY OF HENNEPIN) ss. AFFIDAVIT OF CORY SHELTON

Your affiant, Cory Shelton, being duly sworn, does state the following is true and correct to the best of his knowledge and belief:

1. I have been employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) since 2014.

2. As a Special Agent, my duties include investigating firearms and other violent crimes in violation of federal criminal statutes. In this capacity, I have been involved in investigating violations of various statutes relating to unlawful possession of firearms, among others. I have gained knowledge and experience through training and everyday work in conducting these types of investigations.

3. This affidavit is being submitted in support of a criminal complaint for KEVIN ANTONIO MANNEY, JR. Based on my training and experience and the facts set forth in this affidavit, I respectfully submit that there is probable cause to believe that MANNEY unlawfully possessed a machine gun, in violation of 18 U.S.C §§ 922(o) and 924(a)(2).

4. The facts in this affidavit are based on my personal observations, my training and experience, evidence gathered pursuant to search warrants, and information obtained from other agents and witnesses. This Affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and arrest warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

5. According to Minnesota State Patrol, there were several 911 calls on September 10, 2021, reporting that a black BMW X5 bearing Minnesota license plate CTS 117 was driving erratically.

6. At approximately 12:26 p.m., a driver reported that the black BMW SUV bearing Minnesota license plate CTS 117 was driving aggressively on Highway 100 southbound. The driver reported that the black BMW had nearly struck her car.

7. At approximately 1:32 p.m., another 911 caller reported that the black BMW X5 SUV had been involved in a hit-and-run accident. The victim reported that the BMW was tailgating her in heavy traffic. The victim was unable to pull over and the BMW was bumping the rear of her car. The BMW then squeezed between her car and another car, damaging her driver-side mirror. The victim driver described the driver of the BMW as a young African-American male with brown eyes and a black shirt. She said the BMW had Minnesota plates with the numbers 117

8. Approximately 37 minutes later, at approximately 2:09 p.m., another 911 caller reported a road rage incident involving this same BMW on northbound Interstate 35W near County Road C in Roseville, Minnesota. The victim reported that he was driving northbound on Interstate 35W when a black BMW pulled up behind him in the left lane and rode his bumper. The black BMW then pulled alongside the victim's vehicle in the right lane. The BMW then drove alongside the victim's car while the driver stared over at the victim. The driver of the BMW then pulled out a black handgun with an extended magazine and pointed it at the victim.

9. The victim described the driver of the black BMW (and lone occupant of the car) as a young black man in his early 20s with short hair and no facial hair. According to the victim, the BMW had Minnesota license plate CTS 117. The victim's description matched MANNEY. The victim later viewed an array of six photographs and identified MANNEY as the man who pointed a gun at him.

10. At approximately 2:26 p.m., another 911 caller reported that the black BMW SUV bearing Minnesota license plate CTS 117 was driving aggressively and passed her on the shoulder while driving at MN Highway 280 N at Interstate 35W.

11. Based on these reports, the Minnesota State Patrol sent out an alert for the black BMW SUV bearing license plate CTS 117.

A. MANNEY's Arrest

12. Approximately three hours later, at 5:26 p.m., a Richfield Police officer saw the black BMW bearing license plate CTS 117 driving southbound on Lyndale Avenue near 70th Street. The officer called dispatch requesting additional officers to assist in a felony traffic stop. The officer then pulled the black BMW over as it attempted to enter westbound Interstate 494 from Lyndale Avenue.

13. After stopping the car, Richfield Police officers found that MANNEY was riding in the front passenger seat. Individual MM was driving the car, and a one-year old child was riding in the back seat. Officers ordered MANNEY from the car and arrested him. They then cleared and removed Individual MM and the child from the car.

14. Following the stop, Minnesota State Patrol Troopers took MANNEY into custody based on his involvement in a hit-and-run accident earlier that day. Troopers

gave Individual MM and the child a ride home. The black BMW was towed and impounded by the Minnesota State Patrol.

B. MANNEY's Instagram Boasting

15. The following day, September 11, 2021, a Minneapolis Police officer observed a video on the Instagram account Packboy_Kev. The video consisted of MANNEY (who the officer recognized) sitting in the rear of a police squad car. In the video, MANNEY said "fuck 12" and "free me out of this jail . . ." MANNEY explained "I'm in this bitch booked . . ." He then whispered into the camera, "they didn't find that switch though." MANNEY continued (with a smirk on his face), "I'm in this bitch booked. But look, they ain't find that thing though, just that hit and run. They didn't find that." At the end of the video, MANNEY posted the release receipt he received after being released from custody on September 10.



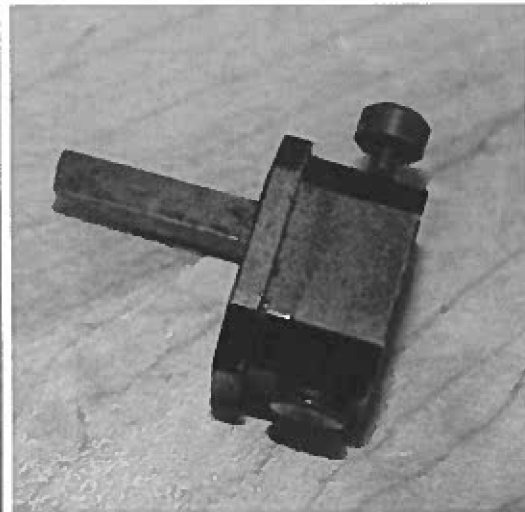
16. Based on his training and experience, the officer knew that “switch” is often used as street slang for an auto sear device installed on a handgun to allow the firearm to fire at a full-automatic rate.

C. The Recovery of MANNEY’s Handgun

17. On September 13, 2021, three days after MANNEY was arrested, Minneapolis Police obtained a state search warrant for MANNEY’s black BMW, which had been impounded and held at Chief’s Towing in Bloomington, Minnesota.

18. During the search, officers found a black Glock .40 caliber handgun. The gun was in the glove compartment located near the front passenger seat—right in front of the seat where MANNEY was sitting at the time of his arrest. Officers also found paperwork belonging to MANNEY in the side pocket of front passenger door.

19. The handgun recovered from MANNEY’s BMW had an extended magazine containing 20 rounds of ammunition. The firearm also had on it a full auto conversion device/auto sear often referred to as a “switch” that made the firearm fire as a fully automatic weapon.



20. The auto sear device on MANNEY's pistol turns a semi-automatic pistol, such as the Glock .40 caliber pistol recovered from MANNEY's car, into a fully automatic machinegun.

21. An ATF firearms expert examined the firearm and auto sear device and concluded that it was a machinegun conversion device intended for use in converting a semiautomatic Glock pistol to fire automatically. The auto sear device converted the Glock handgun into a fully automatic machine gun as defined by 18 U.S.C. § 921(a)(23) and 26 U.S.C. § 5845(b). The ATF firearms expert further concluded that the auto sear device, in and of itself, is a combination of parts designed and intended, for use in converting a weapon into a machinegun, and therefore qualified as a "machinegun" as defined in 26 U.S.C. § 5845(b).

22. The ATF firearms expert test fired the Glock pistol with the auto sear device attached. The gun fired fully automatically.

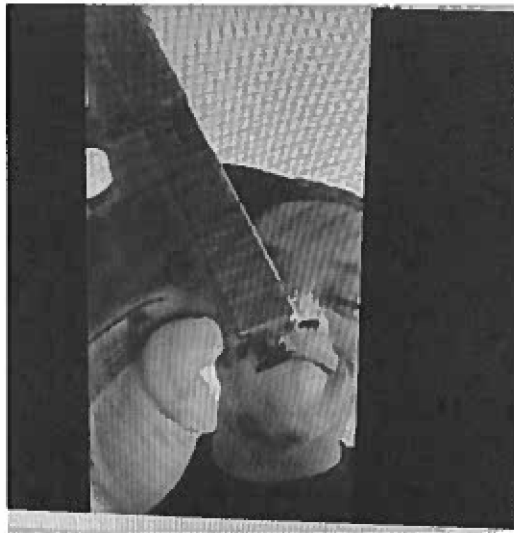
23. The pistol recovered from MANNEY's BMW had an extended magazine containing 20 rounds of live ammunition. Based on my training and experience as an ATF agent, I know that firearms that fire fully automatic commonly have extended magazines/high-capacity magazines. According to Glock, a fully automatic Glock Model 18 (model made by Glock as a machinegun) is capable of firing 20 rounds in approximately one second.

24. Minneapolis Police submitted the firearm for DNA and fingerprint analysis. There were no fingerprints found on the firearm. A BCA expert found DNA on both the firearm and the magazine. The BCA expert concluded that the DNA

contained a mixture of four or more individuals with a major mixture of two or more individuals. MANNEY could not be excluded as being a contributor to the major mixture, but 99.999999994% of the general population could be excluded.

D. MANNEY's Cell Phone

25. Minneapolis Police also obtained a search warrant for the cell phone obtained from MANNEY during an interview conducted on 9/14/2021. During a search of the phone, the government found a video of MANNEY holding a black handgun with what appeared to be an auto sear device. Below is a screen shot taken from the video.



26. A search of the phone also revealed that on September 10, 2021—the same day he was arrested—MANNEY had used his phone to look up “glock switch back plate” on Google. MANNEY’s phone then went to a website where a portion of the URL contained “full-auto-glock-switch.” The internet history on his phone shows that he visited the “cart” and “checkout” pages after viewed the page devoted to “full-auto-glock-switch.”

27. MANNEY's cell phone shows that within minutes of his visit to the "cart" and "checkout" pages, he received an email address with the phrase "fullautoswitch" in it. Specifically, MANNEY visited the "cart" page at approximately 1:42 p.m. He visited the "checkout" page at approximately 1:43 p.m. About two minutes later, at approximately 1:45:20 p.m., MANNEY visited a "checkout/order-received" page. MANNEY's phone show that approximately 20 seconds later, at 1:45:40 p.m., he received an email from the "fullautoswitch" email account. Based on the timing of the visit to the website, this email appears that it may be an email confirming the purchase of an auto sear device or "switch."

28. Later that day, MANNEY (using the username "Packboy Kev") sent and received chat messages related to the sale of switches. For example, at approximately 5:00 p.m., Manny sent a message saying, "Leaving ova north I got switches . . . I had to go drop one off."

29. Later that night, MANNEY received a chat message asking, "u got a switch for \$"? MANNEY responded "i'm finna see . . ."

CONCLUSION

30. Based on these facts, I believe there is probable cause that MANNEY has violated Title 18, United States Code, Sections 922(o) and 924(a)(2), in that he knowingly possessed a machine gun, namely a Glock .40 caliber handgun, bearing serial number AELR388, with an extended magazine and equipped with an attached conversion device, commonly known as a "switch" or "auto sear," enabling it to be fired as a fully automatic weapon by a single function of the trigger, knowing it had

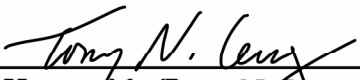
characteristics that made it a machine gun as defined by Title 26, United States Code, Section 5845(b).

Respectfully submitted,



ATF Special Agent Cory Shelton

SUBSCRIBED AND SWORN TO before me
on November 30, 2021.


The Honorable Tony N. Leung
United States Magistrate Judge

*^ by reliable electronic means via
FaceTime and Email pursuant to Fed. R. Crim
P. 41(d)(3) CS/TM*